

REMARKS

The office action of December 15, 2005 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 5 remain in this case.

Rejection under 35 U.S.C. §112

Claims 1-5 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

More specifically, the Examiner states that, although the applicants have deposited the organism, there is no indication in the specification as to public availability.

The present application specifically states that: “[T]he cell lines designated H5CL-B and H5CL-F have been deposited with the American Type Culture Collection (ATCC), 12301 Parklawn Drive, Rockville, MD 20852, and will be made available under the terms and conditions imposed by the Budapest Treaty. The ATCC accession numbers of the new H5CL-B and H5CL-F cell lines are PTA-5635 and PTA-5636, respectively.” (emphasis added).

The cell lines have been deposited with the ATCC, an International Depositary Authority as established under the Budapest Treaty. These cell lines will be irrevocably and without restriction or condition be released to the public upon the issuance of the patent.

Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

Granados

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